

JAN. 25. 1999 11:11AM

USAO CIVIL DIVISION

NO. 5609

P. 2

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1999 JAN 12 PM 3:35

U.S. ATTORNEYS
CLEVELAND, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CLEVELAND, OHIO

UNITED STATES OF AMERICA

Plaintiff,

v.

Archer-Daniels-Midland
Company,
Ashland Chemical Company,
Division of Ashland, Inc.
Baltimore-Ennis Land Company,
Inc. (f/k/a/ Gibson-Homans),
Brookside Auto Parts,
Lincoln Electric Company,
Technical Products, and
Werner G. Smith,

Defendants.

1:98CV 2302

CIVIL ACTION NO.

JUDGE NUGENT

CONSENT DECREE

consent to the entry of this Consent Decree without further notice.

103. If for any reason this Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of any party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

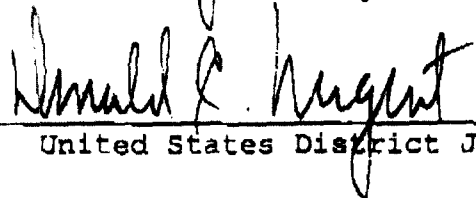
XXXII. SIGNATORIES/SERVICE

104. Each undersigned representative of a Settling Defendant to this Consent Decree and the Assistant Attorney General for the Environment and Natural Resources Division of the United States Department of Justice certifies that he or she is authorized to enter into the terms and conditions of this Consent Decree and to execute and bind legally such Party to this document.

105. Each Settling Defendant hereby agrees not to oppose entry of this Consent Decree by this Court or to challenge any provision of this Consent Decree, unless the United States has notified Settling Defendants in writing that it no longer supports entry of the Consent Decree.

106. Each Settling Defendant shall identify, on the attached signature page, the name and address of an agent who is authorized to accept service of process by mail on behalf of that Party with respect to all matters arising under or relating to this Consent Decree. Settling Defendants hereby agree to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including but not limited to, service of a summons.

SO ORDERED THIS 8th DAY OF January, 1999.


United States District Judge

Docket as of January 13, 1999 11:06 pm

Page 4

Proceedings include all events.

TERMED

1:98cv2302 USA v. Archer-Daniels, et al

STREEP

CAT 12

10/8/98 -- FILING FEE: (WAIVED). (bc) [Entry date 10/09/98]

10/8/98 -- ASSIGNMENT OF MAGISTRATE JUDGE pursuant to Local Rule 3.1,
Assignment of Cases. In the event of referral this case
will be referred to Mag. Judge Jack B. Streepy. 1 pg (ej)
[Entry date 10/13/98]

10/8/98 1 COMPLAINT (Service: summons issued, magistrate consent form
issd) (10 pgs) (ej) [Entry date 10/13/98]

10/8/98 2 CIS filed by USA. Recommended Track: admin. (1 pg) (ej)
[Entry date 10/13/98]

10/8/98 3 NOTICE by USA of lodging of proposed consent decree pending
solicitation of public comment (2 pgs) (ej)
[Entry date 10/13/98]

10/8/98 -- CONSENT DECREE - LODGED (141 pgs) (ej) [Entry date 10/13/98]

10/23/98 4 MOTION by defts to extend time until 11/23/98 to ans
complt (5 pgs) (jw) [Entry date 10/26/98]

10/23/98 5 ATTORNEY APPEARANCE on behalf of defts by attys Michael J.
Smakula, Leo R. Ward and WARD & ASSOCIATES (2 pgs) (jw)
[Entry date 10/26/98]

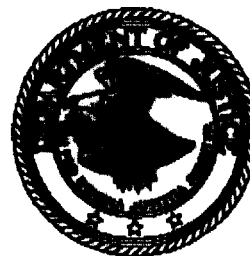
12/16/98 6 MOTION by pltf to enter consent decree w/memo in supp. (
6 pgs) (bb) [Entry date 12/17/98]

12/22/98 -- MARGINAL ENTRY ORDER: granting motion by pltf to enter
consent decree [6-1] (issued on 12/23/98) Judge Donald C.
Nugent (bb) [Entry date 12/23/98]

1/11/99 7 CONSENT JUDGMENT dismissing case Settling defts shall be
liable for each day of violation as follows: Failure to
Commence the Implementation of the RAP -- First Week or
Part Thereof -- \$2,500.00 & Each Following Week or Part
Thereof = \$4,000.00, Failure to Meet any sched ddl in the
-- First Week or Part Thereof = @2,500.00 & Each Following
Week or Part Thereof + \$4,000.00, Failure to Submit Monthly
Reports -- First Week or Part Thereof = \$750.00 & Each
Following Week or Part Thereof = \$1,500.00 & Failure to
Submit Final Report -- First Week or Part Thereof = \$750.00
& Each Following Week or Part Thereof = \$1,500.00. Defts
are required to perform removal actions. (issued on
1/11/99) (141 pgs) Judge Donald C. Nugent (bb)
[Entry date 01/13/99]

[END OF DOCKET: 1:98cv2302]

DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
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FACSIMILE OUTGOING TRANSMISSION COVER SHEET

TO: Ben Fisherow

FAX NO.: 202 616-6584

ORGANIZATION: DOJ-EES

DATE: January 15, 1999

PHONE: 202 514-2750

FROM: Arthur I. Harris, Assistant U.S. Attorney

PHONE: (216) 622-3711

NUMBER OF PAGES: 4

(INCLUDING FAX TRANSMISSION COVER SHEET)

COMMENTS: Ben, the Archer Daniels Midland CERCLA consent decree for the Ohio Drum Reconditioning Site was officially entered on January 11, 1999. Enclosed are copies of the docket sheet, the cover sheet for the consent decree, and the page of the consent decree with the judge's signature. Please let me know if you need anything else on this case. Thanks, Art

cc: Kevin Chow, USEPA Region 5 312 353-6181 voice; 312 886-0747 fax

resent 1/25/99

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